

14230 U.S.PTO  
11103

Preliminary Classification:

Proposed Class:

Subclass:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop Patent Application**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria VA 22313-1450**

17510 U.S.PTO  
10/706119  
11/11/03

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Ralph C. Mays

For (title): An Obturator System for Filling a Root Canal and Method of Use Thereof

**1. Type of Application**

This application is for a divisional.

**2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)**

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

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**EXPRESS MAILING UNDER 37 C.F.R. § 1.10\***

(Express Mail label number is mandatory.)

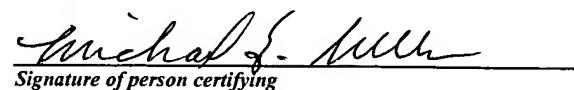
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I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date November 11, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. ET 229543445 US.

Michael E. Sellers

Type or print name of person mailing paper

Date: 11/11/03

  
Signature of person certifying

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**3. Papers Enclosed**

**A.** Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

18 Page(s) of Specification  
4 Page(s) of Claims  
5 Sheet(s) of Drawing(s)--Formal

**B.** Other Papers Enclosed

3 Page(s) of declaration and power of attorney  
1 Page(s) of abstract  
Nonpublication Request

**4. Additional Papers Enclosed**

Preliminary Amendment

**5. Declaration or Oath**

Enclosed (copy as filed with original application)

Executed by:

\* inventor.

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

**8. Fee Calculation (37 C.F.R. § 1.16)**

Regular Application

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CLAIMS AS FILED

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Number Filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a)
Total Claims (37 C.F.R. § 1.16(c))	15 - 20 = 0	x \$ 18.00	= \$ 0.00
Independent	3 - 3 = 0	x \$ 86.00	= \$ 0.00

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Claims (37 C.F.R. §  
1.16(b))

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Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))	***NV 37 CFR \$1;16;d;2***	\$ 0.00
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Amendment cancelling extra claims is enclosed.

Filing Fee Calculation	\$770.00
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**9. Assertion of Small Entity Status**

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27. Status as a small entity was asserted in the prior application 09/481,611 filed on January 12, 2000 from which benefit is being claimed for this application under 35 U.S.C. § 120 and which status as a small entity is still proper and asserted for this application.

A copy of the written assertion of small entity filed in the prior application is included.

Filing Fee Calculation (50% of above Filing Fee Calculation)	<u>\$385.00</u>
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**10. Fee Payment Being Made at This Time**

Enclosed

Filing Fee	\$385.00
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<b>Total Fees Enclosed</b>	<b>\$385.00</b>
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**11. Method of Payment of Fees**

Attached is a check in the amount of \$385.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

**12. Authorization to Charge Additional Fees**

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

**13. Instructions as to Overpayment**

Credit Account No. 50-1971.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED  
(37 C.F.R. § 1.78)**

**14. Relate Back**

Amend the specification by inserting, before the first line following the title, the following sentence:

**B. 35 U.S.C. Sections 120, 121 and 365(c)**

"This application is a divisional of Application Serial No. 09/925,988, filed on August 09, 2001 which is a continuation of U.S. Patent Application Serial No. 09/481,611, filed January 12, 2000 (now Patent No. 6,312,261).

**15. Maintenance of Copendency of Prior Application**  
n/a

**16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

(a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

**17. Small Entity (37 C.F.R. § 1.28(a))**

Applicant has established small entity status by the filing of a statement in parent application 09/481,611 on January 12, 2000.

A copy of the statement previously filed is included.

**18. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

A notification of the filing of this divisional is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: 11-11-03



Michael E. Sellers  
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US  
918-595-4963  
Customer No. 28827

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	
<b>Mays</b>	
Title	AN OBTURATOR SYSTEM FOR FILLING A ROOT CANAL AND METHOD OF USE THEREOF
Attorney Docket Number	005804.00006a

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11 November 2003

Date



Signature

918-595-4963

Telephone number

Michael E. Sellers, Reg. No. 39831

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.